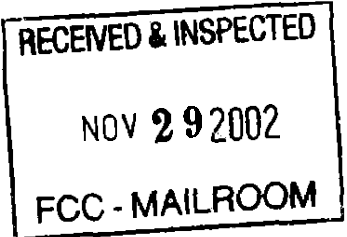




WCVI-TV Serving The United States Virgin Islands • St. Croix ▲ St. Thomas ■ St. John

***The People's Channel***



November 25, 2002

Mr. William Caton, Secretary  
of the Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: Filing of Petition for Rulemaking

Dear Secretary Caton,

Enclosed for filing are **an** original and six copies of a Petition for Rulemaking for a change in the Analog TV Table of Allotments. This Petition is necessary due to severe interference we are receiving **on** our allocated analog channel **27** from a new DTV station on Channel **27** in Puerto Rico. Anything that can be done **to** expedite the processing of this Petition is most appreciated.

Also enclosed **is a** "stamp and return" copy with a pre-addressed, stamped envelope for return to our station. Thank you for your assistance and cooperation in this matter.

Yours truly,  
Virgin Blue, Inc. WCVI-TV

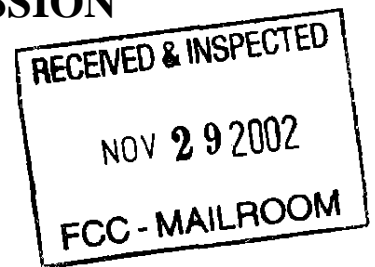
Victor A. Gold, **President/General Manager**

enc.

Noted and recorded  
MB  
02-292

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C.



In re: )  
 )  
AMENDMENT OF SECTION 73.606 (b) ) MM Docket No.  
TABLE OF ALLOTMENTS FOR )  
ANALOG TV BROADCAST STATIONS )  
CHRISTIANSTED, VIRGIN ISLANDS )

TO: Chief, Allocations Branch  
Policy and Rules Division

PETITION FOR RULEMAKING

Virgin **Blue, Inc.** , licensee of commercial analog TV station WCVI-TV ("WCVI"), Channel 27, Christiansted, Virgin Islands, pursuant to the Commission's Rules, hereby requests that the Commission institute a rulemaking proceeding to amend CFR § 73.606(b) of its Rules to add analog Channel 39 to the table of allotments for Christiansted, Virgin Islands. This additional analog channel would serve the public interest. In addition, as the attached technical documentation demonstrates, WCVI's proposed analog operation on Channel 39 **will** not cause impermissible interference to any other station.

WCVI proposes the following amendment to CFR § 73.606(b) of the Commission's Rules:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Christiansted, Virgin Islands	8+, 15, 21*, 27	8+, 15, 21*, 27, 39

In support of this petition, WCVI submits the following:

A. **A Petition for Rulemaking is the only Available Avenue of Relief for WCVI**

WCVI is a local broadcast station operating as a primary affiliate of the United

Paramount Network (UPN). WCVI has operated as a commercial station on analog Channel 27 in Christiansted, Virgin Islands since March 1, 2001, providing entertainment and informative programming, including children's programming to the Virgin Islands audience which had only one non-commercial broadcast TV station (WTJX) and only one commercial broadcast TV station (WSVI) prior to WCVI going on the air. In the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket 87-268, FCC 98-24 (adopted January 29, 1998), the Commission allocated Channel 27 as the digital channel for WAPA-DT in San Juan, Puerto Rico. WAPA-DT began testing their digital transmission equipment on or about October 14, 2002 at a power level of 39% of their permissible power output of 1,000 Kilowatts with its antenna's radiation center located more than 3,700 feet above sea level at a distance of only 145.89 kilometers or less than 91 miles from WCVI's transmitter location. For any new digital allocation, the separation table in CFR § 73.623 requires 273.6 Kilometers or 170 miles between co-channel analog and digital transmitters. The predictability of WAPA-DT interfering with WCVI's analog signal is obvious to anyone with even the most basic technical understanding of radio wave propagation. WCVI became immediately aware of interference caused by the digital signal of WAPA-DT, when over-the-air viewers and the cable TV system on St. Thomas reported that WCVI's picture was being "knocked out" completely. Subsequent discussions with, and tests performed by WAPA-DT's personnel (see data following this Petition) have shown that even at a power level of only 7% of their permitted 1,000 Kilowatts, WAPA-DT's digital signal on Channel 27 will interfere with WCVI's analog signal on Channel 27, on both St. Croix and St. Thomas. To completely eliminate the problems caused by this overwhelmingly strong co-channel interference, WCVI now seeks to add analog channel 39 to the table of allotments so as to facilitate a channel

change to analog channel **39** to avoid the interference from WAPA-DT channel **27** and to continue to enable WCVI to reach its viewers throughout the Virgin Islands. WCVI makes this request for the following additional reasons:

1. As a relatively new broadcaster in a small, non-Nielsen rated, market, WCVI remains mindful of the necessity of reaching as many viewers as possible. The interference from WAPA-DT is estimated to have reduced the number of potential viewers by more than **50%**. It is essential, from both a community service standpoint as well as a business standpoint that WCVI be able to provide its programming to all Virgin Islands television viewers.
2. The distance between WCVI's analog transmitter site and WAPA-DT's transmitter is less than 75 kilometers. The separation table in **CFR § 73.623** requires **273.6** Kilometers between co-channel analog and digital transmitters. While we understand that WAPA-DT is operating on a channel and at a location and power level allocated by the **FCC**, it makes no sense for the digital progress of WAPA-DT to result in the virtual elimination of an existing analog station by rendering it impossible for more than half the viewing audience to receive the signal of WCVI on its allocated analog Channel **27**.
3. As demonstrated in the attached Engineering statement, analog channel **39** will transmit from the existing WCVI-TV transmitter site and provide the requisite community coverage for the existing audience of Virgin Islands viewers.

**B. The Proposed Change to the Table of Allotments Will Serve the Public Interest**

The Proposed Change to the Table of Allotments Will Serve the Public Interest by allowing WCVI-TV to continue to reach its over-the-air viewers throughout the Virgin Islands and to reach the cable TV head ends on St. Croix and St. Thomas, as well as the MMDS head end on St. Thomas and virtually duplicate the audience it had on Channel **27** prior to the

interference caused by **WAPA-DT**.

C. The **Proposed Change** to the Table of Allotments Will Not Result in **Impermissible Interference with Surrounding Stations**.

Under CFR § 73.610 of the Commission Rules, an existing analog TV licensee may seek a change in ~~the~~ station's channel if the licensee demonstrates that the change complies "with the requirements specified in paragraphs (b), (c) and ~~(d)~~ of this section". The referenced sections provide for minimum distance separation between co-channel stations ~~so~~ as to avoid interference between the signals on the same channel. Studies performed and attached to this petition demonstrate that operation on Channel 39 complies with all the required separation distances and will not result in new interference exceeding the *de minimus* standard set forth in that section..." In accordance with these rules, WCVI requests that the Commission substitute analog Channel 39 for analog channel 27.

As the engineering statement accompanying this petition demonstrates, the proposed operation of WCVI-TV on Channel 39 with ERP of 26.67 kW (utilizing an omnidirectional antenna) with its radiation center located at the same elevation as the existing Channel 27 transmitting system, will result in a signal that duplicates the signal strength and contours as the engineering studies performed for the application for Channel 27 for WCVI-TV.

## CONCLUSION

For all of these reasons, WCVI requests that the Commission institute a rulemaking proceeding to amend **CFR § 73.606(b)** of its Rules to add analog Channel 39 to the table of allotments for analog TV stations for Christiansted, Virgin Islands. **If** the Commission grants this petition and modifies the analog Table of Allotments accordingly, WCVI is committed to immediately filing an application for a minor modification of its facilities to broadcast on


analog channel 39 and to discontinue broadcasting on analog channel 27 as soon as the Channel 39 broadcast equipment is operational.

VERIFICATION

The undersigned, does hereby state that all information contained in this Petition and the attachments and engineering data attached thereto is true and accurate based on his own personal knowledge.

Respectfully submitted,  
VIRGIN BLUE, INC. WCVI-TV

Dated: November 25, 2002

By:   
Victor A. Gold, President  
WCVI-TV  
PO Box 24027  
Christiansted, VI 00824  
Phone: 340-713-9927  
Fax: 340-773-0712  
Email: mbox@wcvl.tv

## FIELD TESTS PERFORMED BY WAPA-DT

All measurements were made on **St. Croix** on October 17, 2002 and on **St. Thomas** on October 18, 2002 by Mr. Arnaldy Medina or WAPA-DT

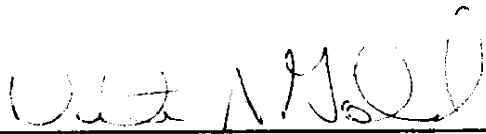
<u>Location</u>	<u>Power level WAPA-DT</u>	<u>Signal Strength WAPA-DT</u>	<u>Signal Strength WCVI-TV</u>
Frederiksted, St. Croix 20 ft. AMSL	7% 70% 100%	-24.1 dBmv -17.5 dBmv -14.2 dBmv	-32.1 dBmv " "
Estate Profit, St. Croix Lat. 17.43.677 N Long. 64.45.245 W 130ft.AMSL (Terrain shielding from WAPA-DT affects this area)	Not Detected at 100 %	Not Detected at 100 %	+8 dBmv
Christianted, St. Croix Fort Christiansted 17.44.904 Latitude 64.42.125 Longitude 30ft.AMSL (Terrain shielding from WAPA-DT affects this area)	Not Detected	Not Detected	+9.1 dBmv
St. Thomas USVI Charlotte Amalie Harbour 18.20.560 Latitude 64.55.742 Longitude 20AMS L	5%	-26.1 dBmv	-16.1 dBmv
Bunker Hill, St. Thomas 18.20.816 Latitude 64.55.306 Longitude 575Ft.AMSL	100 %  (Interference starts at 3% and is Blacked out at 7%)	+14.2 dBmv	+1.2 dBmv  <b>WCVI-TV</b>

Channel Change Analysis  
WCVI-TV  
Christiansted, Virgin Islands

WCVI-TV in Christiansted, Virgin Islands has been allotted and is operating on analog channel 27. **WCVI-TV** wishes to change its analog assignment to channel **39** for technical and economic reasons. Technical reasons include overwhelming interference from WAPA-DT operating on channel 27 from San Juan, Puerto Rico.

An analysis has been performed to determine the feasibility of the proposed channel change. The study assumed that WCVI-TV would operate on channel **39** at **26.67 kW** ERP with an omnidirectional antenna with the radiation center **158** meters above mean sea level. The proposed channel addition of UHF channel 39 is in strict compliance with all of the separation requirements set forth in CFR § **73.610** and CFR § **73.698** for all analog TV stations and has no greater likelihood of creating interference than presently exists in the operation on analog channel 27 .

On the following page is a tabulation of the height above average terrain (HAAT) for the standard 8 radials plus one toward the community of license along with the distances to the A and B contours. These calculations result in a service contour predicted by the Longley-Rice propagation method which **verifies** that the proposed facility provides more than adequate service to the community of Christiansted, Virgin Islands and is a signal of identical strength as that licensed to WCVI-TV in its present operation on analog Channel 27.



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Prepared by Victor A. Gold  
Chief Engineer for WCVI-TV



**VIRGIN BLUE, INC. WCVI-TV**  
**Analog TV Channel 39 Zone 2**

**ENGINEERING SPECIFICATIONS**

**TERRAIN AND COVERAGE DATA**

ERP = **26.67 kW**

RCAMSL = **158 meters**

HRCAAT = **130.2 meters**

Site Location

N **17° 44' 40"**

W **64° 43' 40"**

Azimuth Degrees True	Average Radial Elevation	Radiation Center HAAT	Distance to Grade A Contour <b>74 dBu</b>	Distance to Grade B Contour <b>64 dBu</b>
	(Meters)	(Meters)	(Kilometers)	(Kilometers)
<b>0.0</b>	<b>0.0</b>	<b>158.0</b>	<b>23.9</b>	<b>37.2</b>
<b>45.0</b>	<b>0.0</b>	<b>158.0</b>	<b>23.9</b>	<b>37.2</b>
<b>79.7</b>	<b>5.0</b>	<b>54.5</b>	<b>23.6</b>	<b>36.8</b>
<b>90.0</b>	<b>54.5</b>	<b>103.5</b>	<b>19.5</b>	<b>32.3</b>
<b>135.0</b>	<b>13.9</b>	<b>144.1</b>	<b>22.9</b>	<b>36.1</b>
<b>180.0</b>	<b>6.7</b>	<b>151.3</b>	<b>23.4</b>	<b>36.6</b>
<b>225.0</b>	<b>10.3</b>	<b>147.7</b>	<b>23.2</b>	<b>36.3</b>
<b>270.0</b>	<b>130.6</b>	<b>27.4</b>	<b>10.2</b>	<b>18.6</b>
<b>315.0</b>	<b>6.2</b>	<b>151.8</b>	<b>23.5</b>	<b>36.7</b>
Average:	<b>27.8</b>	<b>130.2</b>		

Bearing to Christiansted , Virgin Islands = **79.7** degrees not include in average

Distance from site to Christiansted , Virgin Islands = **2.6** kilometers

**VIRGIN BLUE, INC. WCVI-TV**  
**Analog Channel 39 Zone 2**

**TV ENGINEERING SPECIFICATIONS**

TRANSMITTER SITE      11 Estate Princesse Hill, St. Croix, US Virgin Islands

	<u>Site Location</u>
Channel 39	N 17" 44' 53"
Zone 2	W 64" 43' 40"

Site Elevation	140 meters AMSL
Radiation center	158 meters AMSL
Support structure	23 meters AGL
Nearest Airport	7.9 Kilometers

STUDIO LOCATION      Christiansted, St. Croix, U.S. Virgin Islands

**EQUIPMENT SPECIFICATIONS**

Frequency	Visual 621.25 mHz	Aural 625.75 mHz
Transmitter	1kW ADC (now Axcerra) 830A	
Transmission Line	18.29 meter length of Andrew 41.27 mm diameter, rigid type LDF7-50A Heliax	
Transmit Antenna	Propagation Systems, Inc., PSILP16, 16 Bay	
Gain re Dipole	14.61 dB	
Beam Tilt	0 degrees	
Null Fill	None	
Input Power	1 kW	
Orientation	Omnidirectional	

POWER CALCULATIONS	<u>VISUAL</u>	<u>AURAL</u>
Transmitter Output Power	0.00 dBk (1.0kW)	-10.00 dBk (.1kW)
Transmission Line Loss	.35 dBk	-.35 dB
Input Power to Antenna	-.35 dBk	-10.35 dBk
Maximum Antenna Gain	<u>14.61 dB</u>	<u>14.61 dB</u>
Maximum ERP	14.26 dBk (26.67 kW)	4.26 dBk (2.67kW)

**SPACLNG STUDY PERFORMED BY DATAWORLD, INC., BETHESDA, MD  
ON NOVEMBER 15.2002**

**Aualog TV Channel Study**

**Job Title:** Channel 39 Spacing

Channel(s): 39 Zone II  
Coordinates: N 17 44'53.0" W 64 43'40.0"  
TV Zone: 2  
Safety Zone: 120.0 km (74.6 mi)  
TV translators included

WJPX Lic	S & E Network, Inc.	24 o	582.0	676	N 18 16'45.0"	296.6	133.0	119.9
San Juan	PR	BLCT-20000821ACE	II	798.0	W 65 51' 14.0"		116.2	13.05

CLOSE

License granted 12/27/2000 per 44892-1/2/2001;EXT 950301EU (16134 3/15/95);

NEW-T	App	Howard Mintz	25	15.89	N 18 22'53.0"	296.7	158.1
San Juan	PR	BPTTL-20000807ACN		95.0	W 66 04' 00.0"		116.2

LPTV

CP NEVER PN:

WRUA Lic	Damarys De Jesus	34 o	848.0	50.1	N 18 18' 36.0"	299.1	129.0	31.40
Fajardo	PR	BLCT-19970102KE	II	1056.0	W 65 47' 41.0"		118.8	97.56

CLEAR

TO CHANNEL 211FT;; DA: AND ODD970102KE @ 0.0

NEW	App	Trinity Broadcasting Network	35 +		1	N 17 43'44.0"	117.0	4.691
Chrisansted	VI	BPTT-20000830BGV		271.6		W 64 41' 18.0"		297.0

LPTV

Mutually Exclusive Proposal • LPTV Auction No. 81;AMND ADDS REC SITES;

WDWL	Lic	Bayamon Christian Network	36 o	329.0	9.33	N 18 16' 40.0"	292.2
			157.7	31.40			
Bayamon	PR	BLCT-19910322KF	II	519.0		W 66 06' 38.0"	111.7
126.3		CLEAR					

NEW	App	Trinity Christian Center of Sant	38 +		10	N 17 41'41.0"	250.2	17.50
Frederiksted	VI	BPTT-20000830BPL		78.2		W 64 52' 59.0"		70.1

LPTV

Mutually Exclusive Proposal • LPTV Auction No. 81;

WBIV-LP	Lic	Virgin Islands Telecommunication	38 -20	N 18 21'33.0"	339.3	72.40
Charlotte Amalie	VI	BLTTL-19990709JF	508.0	W 64 58' 18.0"		159.2

LPTV

W38BM changed to WBIV-LP 2/28/02 per #428 (3/13/02);License granted 9/29/99 per 44585-10/6/99;; DA: SWR SWLP32PN @ 80.0

NEW	App	Gaston Rosenstrauch	38 +		50	N 18 16' 30.0"	292.3	155.9
Caguas	PR	BPTTL-20000804ACN		480.0		W 66 05'36.0"		111.9

LPTV

Mutually Exclusive Proposal • LPTV Auction No. 81;

NEW App Marcia T. Turner, d/b/a Turner E 38 + 8 N 18 17' 35.0" 292.0 163.7  
 San Juan PR BPTTL-20000830AXC 576.0 W 66 09' 54.0" 111.5  
 LPTV

Mutually Exclusive Proposal - LPTV Auction No. 81; N CMMN CXR;; DA: PSIPSILP16CRA @ 40.0

NEW App V.I. Christian Ministries, Inc. 39 + 2.5 N 17 45' 21.0" 276.6 7.591  
 Christiansted VI BPTTL-20000821AAC 316.8 W 64 47' 56.0" 96.5  
 LPTV

Mutually Exclusive Proposal - LPTV Auction No. 81;

WJWN-TV CP S & E Network, Inc. 39 324.0 1000 N 18 19' 06.0" 284.1 267.0244.6  
 San Sebastian PR BMPCDT-20020423AAB II 390.0 W 67 10' 42.0"  
 103.4 2245 CLEAR

Digital channel: DTV channel; BMP-950831DA EXT GRD 11/29/95(43642-12/5/95);

WJWN-TV DTV S & E Network, Inc. 39 332.0 50.1 N 18 19' 06.0" 284.1 267.0  
 244.6 San Sebastian PR II 394.7 W 67 10' 42.0" 103.4 2245  
 CLEAR

Digital channel; DTV Channel Allotment per MMDoc 87-268 (6th R & O) released 2/19/98; CP granted 11/16/98 per 44371-11/19/98;; DA: @ 00

WMTJ Lic Ana G. Mendez Educational Founda \*40 o 839.0 1000 N 18 18' 36.0"  
 299.1129.0 87.70 Fajardo PR BLET-19970826KH II 1045.0 W 65 47' 41.0"  
 118.8 41.26 CLEAR

License granted 8/17/99 per 44557-8/23/99; One step application to change to class C3;; DA: DIE  
 ODD950215KE @ 280.0

WREY-LP CP Freddie Gauthier Broadcasting Co 42 - 4 N 18 16' 52.0"  
 300.9 115.8 Ceiba PR BMPTTL-19980602JT 301.0 W 65 40' 09.0"  
 120.6 LPTV

From W59CW; To channel 55;

ALLOC 43 0.0 0 N 18 20' 36.0" 342.1 69.27 31.40  
 Charlotte Amalie VI II 00 W 64 55' 48.0" 162.1 37.87  
 CLEAR

NEW CP Marri Broadcasting, LP 430 464.0 150 N 18 21' 26.0" 341.1 71.31 31.40  
 Charlotte Amalie VI BPCT-19960718KQ II 478.0 W 64 56' 50.0"  
 161.1 39.91 CLEAR

CP granted 5/17/2001 per 44990-5/22/2001:

WIDP Lic Ebenezer Broadcasting Group, Inc 46 o 642.0 1480 N 18 16' 44.0" 296.6  
 132.8 95.70 Guayama PR BLCT-19970509KG II 841.0 W 65 51' 10.0"  
 116.2 37.13 CLEAR

License granted 4/16/99 per 44475-4/28/99;; DA: AND ODD970509KG @ 0.0

WIDP-TV1 Lic Ebenezer Broadcasting Group, Inc 46 - 12.8 N 18 01' 59.0"  
 282.4 150.8 Las Palmas PR BLUB-19990816ID 500.0 W 66 07' 09.0"  
 101.9 LPTV

License granted 12/23/1999 per 44641-12/29/1999:: DA: SCA ODD970828IE @ 0.0 : Primary station: WIDP  
 Guayama, PR

**W46AZ**      **Lic**      Eastern Satellite Services Inc.      46      39.9      1.21      **N 18 26' 55.0"**      299.1  
 161.4 San Juan **PR**      **BLTTL-19900330JD**      **23.0**           **W 66 03' 55.0"**      **118.6**  
                  **LPTV**  
 DA: **BOG B8UA @** 281.0

NEW App      Trinity Broadcasting Network      54 +      10      **N 17 43' 44.0"**      117.0      **4.691**  
 Christiansted **VI**      **BPTT-20000830BGZ**      271.6      **W 64 41' 18.0"**      297.0  
                  **LPTV**

**Mutually Exclusive Proposal - LPTV Auction No. 81;AMND ADD REC SITES;:**

**WCCV-TV**      **Lic**      Asociacion Evangelista Cristo Vi      54 o      600.0      1510      **N 18 14' 06.0"**      284.5  
 221.9      119.9 Arecibo **PR**      **BLCT-19950719KH**      **II**      1086.0      **W 66 45' 36.0"**  
                  103.8      102.0      CLEAR

License granted 4/8/99 per 44469-4/13/99:: DA: AND **ODD950719KH @** 0.0

>> End of channel 39 Zone II study <<